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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,997	11/30/2001	Karin Julliard	9505-284	1013

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EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2828

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/006,997

Applicant(s)

JULLIARD ET AL.

Examiner

Dung (Michael) T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.



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## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

In response to the communications dated 03/27/03 through 08/27/03, claims 1-58 are pending in this application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-9, 11-15, 20-21, 23-25, 27-28, 32-35, 45-48, and 50-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (US5550851) in view of Tamura et al. (US2001/0028670).

With respect to claims 1-4, 6, 12, 14-15, 20-21, 24, 28, 33-34, 45-48, and 50-58, Guch shows in Fig. 1 a sealed optic housing 40 comprising an enclosure with an interior volume and an interior surface area, a laser medium 42 (optical element) except for a container coupled to the housing and including a gas permeable surface having an access port and being opaque to optical radiation and a sink material. Tamura teaches in Fig.9 a container 29 coupled to the housing and including a gas permeable surface being opaque to optical radiation and a sink material 28. For the benefit of absorbing the constituent, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Guch with a container coupled to the housing and including a gas permeable surface and a sink material as taught by Tamura.

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With respect to claim 5, Guch discloses the metal material (col.3, l.2-4).

With respect to claims 8, 23, 27, and 32, Guch discloses a silica gel (col.2, l. 48-49 and col.3, l.3-5).

With respect to claim 9, Tamura shows in Fig.9 the sink material 28 confined in the sub-container 14.

With respect to claim 11, Tamura shows in Fig.9 the container 29 coupled to the enclosure to form a protuberance.

With respect to claims 25 and 35, Tamura shows in Fig.9 an isolator member for isolating the sink material from the optical power density.

Claims 7, 10, 18, 22, 26, 29, 31, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of Tamura et al. (US2001/0028670) and further in view of the admitted prior art.

With respect to claims 7, 22, 26, and 31, Guch Jr. et al. and Tamura disclose all limitations of the claim except for the optical element material. The admitted prior art taught the

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optical element made of BBO (p. 1, l.27). For the benefit of an optical element material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Guch, Jr. et al. and Tamura a BBO optical element as taught by the admitted prior art.

With respect to claims 18 and 29, the admitted prior art disclosed the laser system generating ultraviolet radiation (p. 1, l.29).

With respect to claim 10, the admitted prior art disclosed the water vapor (p.4, l.23).

With respect to claims 36 and 37, the admitted prior art disclosed “aerosol and out-gassing” (p.5, l.18).

With respect to claim 38, the admitted prior art disclosed the water (H<sub>2</sub>O) trapped in the sink material (p.5, l.13).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of Tamura (US2001/0028670) and further in view of McFarland et al. (USPN 6034775). Guch, Jr. et al. and Tamura et al. disclose all limitations of the claim except for the spectral filter. McFarland et al. taught a spectral filter (col.4, l. 46). For the benefit of the observation window, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to provide Guch, Jr. et al. and Tamura et al. a spectral filter as taught by McFarland et al.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of Tamura (US2001/0028670) and further in view of Umezu et al. (USPN 5862163). Guch, Jr. et al. and Tamura disclose all limitations of the claim except for the laser. Umezu et al. taught a laser 1 (Fig. 1). For the benefit of a laser system, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Guch, Jr. et al. and Tamura a laser as taught by Umezu et al.

Claims 39-43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guch, Jr. et al. (USPN 5550851) in view of Tamura et al. (US2001/0028670) and further in view of Chen et al. (USPN 5990377). Guch, Jr. et al. and Tamura disclose all limitations of the claim except for the humidity percentage over a period of time. Chen et al. taught the humidity percentage over a period of time (col.44, 1.29-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Guch, Jr. et al. and Tamura with the humidity percentage over a period of time as taught by Chen et al., since it has held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 FR.2d 272, 205 USPQ 215 (CCPA 1980).

***Response to Arguments***

Applicant's arguments filed on 08/27/03 have been fully considered but they are not persuasive.

Regarding the Guch, Jr. reference, Applicant redirects the attention from the invention subject matter as recited in the claims and argues "... the desiccant (block 22) are used to reduce humidity...". Whereas, the Examiner simply used Guch, jr. prior art in Fig.3 a sealed optic housing 40 comprising an enclosure with an interior volume and an interior surface area, a laser medium 42 (optical element) except for a container coupled to the housing and including a gas permeable surface being opaque to optical radiation and a sink material.

Regarding the Tamura reference, Applicant argues "...Tamura is dealing with gas lasers and no where does Tamura say that its mesh is opaque to optical radiation...". The examiner does not concur. First, Applicant does not recite exactly what kind of laser (optical element) in the claims. Secondly, the Tamura reference teaches in Fig. 9-10 a container (29 or 30) formed of a fiber mesh (page 6, para. 0115) and a sink material (a collector 28 and page 6, second column, 1.2-4)) disposed in the container (29 or 30).

Applicant argues that there is no motivation to combine the Guch, Jr. reference with the Tamura reference. The argument is not persuasive. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### **Communication Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (703) 305-7159. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-5511 for regular communications and (703) 306-5511 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Nguyen (Michael) Dung

*Paul IP*  
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